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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,558

03/21/2005

Massayoshi Yamashita

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EXAMINER

COLLADO, CYNTHIA FRANCISCA

ART UNIT

PAPER NUMBER

3618

MAIL DATE

DELIVERY MODE

09/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/528,558

Applicant(s)

YAMASHITA, MASSAYOSHI

Examiner

Cynthia F. Collado

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 18-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

Applicant submitted an amendment dated July 5, 2007, wherein claim 18 was amended. Applicant provided remarks for reconsideration. Applicant stated that examiner erroneously cited Riemer in place of Ono in page 6. Application has been updated to display the accurate reference.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 18-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono (US Patent No.6, 378,637).

Regarding **claim 18**, Ono discloses a floor panel that separates an inside of a vehicle, which is a vehicle passenger room, from an outside of the vehicle (fig 5, element 15A), a fuel cell that generates electricity through a reaction of fuel gas and oxidation gas, wherein the fuel cell is disposed on the floor panel so as to be in the vehicle passenger room (fig 5, element 3), however Ono lacks the teaching of the fuel cell disposed on the

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floor panel so as to be in the vehicle passenger room in a temperature conditioned environment and the vehicle passenger room being equipped with a cooling/heating system, however examiner disagrees with applicant. Having a passenger room equipped with a heating and air conditioning system in a temperature-conditioned environment is notoriously old and well known within the vehicle art. A heating and conditioning system within the vehicle provides comfort to the passenger while driving the vehicle.

Regarding **claim 19**, Ono discloses wherein the fuel cell is disposed in a fuel cell recess portion of the floor panel (fig 5, element 3).

Regarding **claim 20**, Ono discloses wherein the fuel cell recess portion is so formed as to be interposed between a pair of under floor reinforcements (fig 5, element 3).

Regarding **claim 21**, Ono discloses, further comprising a storage battery for storing electric energy, wherein the storage battery is disposed in the vehicle passenger room (fig 3, element 7).

Regarding **claims 22,26,28 and 30** Ono discloses, wherein the fuel cell is so formed as to be higher than the storage battery (fig 5, elements 3 and 7).

Regarding **claim 23**, Ono discloses wherein the storage battery is disposed in a storage battery recess portion of the floor panel (fig 5,element 7).

Regarding **claim 24**, Ono discloses wherein the storage battery recess portion is disposed in a staged recess portion below front seats such that an upper face of the

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storage battery substantially coincides with a reference plane of the floor panel (fig 5, element 7).

Regarding **claim 25**, Ono discloses wherein the fuel cell is disposed below the front seats (fig 5, element 3) and the storage battery is disposed at a position corresponding to feet of passengers seated in rear seats (fig 5, element 7).

Regarding **claim 27**, Ono discloses wherein the fuel cell is disposed at a position corresponding to feet of passengers seated in rear seats and the storage battery is disposed below front seats (fig 5, element 7).

Regarding **claim 29**, Ono discloses wherein the fuel cell and the storage battery are both disposed with their longitudinal directions being coincident with a lateral direction of the vehicle (fig 5, elements 7 and 3).

Regarding **claim 31**, Ono discloses further comprising a fuel gas feed unit for supplying the fuel cell with fuel gas, wherein the fuel gas feed unit is disposed below the floor panel so as to be outside the vehicle passenger room (fig 5, element 1).

Regarding **claim 32**, Ono discloses, wherein the fuel gas feed unit is disposed behind the rear seats (fig 5, element 1).

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Regarding **claim 33**, Ono discloses further comprising a motor for driving at least either front wheels or rear wheels, wherein electric power of at least one of the fuel cell and the storage battery is supplied to the motor (fig 5, element 6).

Regarding **claim 34**, Ono discloses a fuel cell auxiliary constituting auxiliaries of the fuel cell, wherein the fuel cell auxiliaries are disposed in a vehicle front room (fig 5, element 3).

Regarding **claim 35**, Ono discloses, a fuel cell auxiliaries constituting auxiliaries of the fuel cell, wherein the fuel cell auxiliaries are disposed around the fuel cell (fig 5, element 3).

Regarding **claim 36**, Ono discloses a fuel cell auxiliary constituting auxiliaries of the fuel cell, wherein the fuel cell auxiliaries are disposed on or below the floor panel (fig 5, element 3).

### ***Response to Arguments***

Regarding applicant's arguments filed July 5, 2007, with respect to claim 18 has been fully considered and is not persuasive. In regards to claim 18, Applicant argued the rejection of claim 18 was improper because Ono fails to disclose that the fuel cell is disposed on the floor panel, conversely Examiner wants to point out to the applicant that the fuel cell in figure 5, element 3 is undeniably disposed on the floor.


Examiner wants to remind applicant that the word "Dispose" in Webster's collegiate Dictionary, 10<sup>th</sup> Edition is defined as "To place or set in a particular order".


Therefore, the rejection is proper and maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia F. Collado whose telephone number is (571)2728315. The examiner can normally be reached on mon-fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571)2726914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
CFC 9/17/14

  
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